

**Criminal Bail Application No.1263/2022**

CNR No. MHNS010053592022

[Nohar @ Rohan Dipaksingh Sengar V s. State]

**Order below Exh.1.**

This is application for regular bail U/s. 439 of Cr.P.C. in Cr.No.I-201/2022 of Bhadrakali P. S., for offences punishable under Sections 143, 144, 147, 148, 307, 341, 149 of I.P.C., on the basis of FIR lodged by Nilesh Sadashiv Kokane.

2. Bail application is filed on the ground that the applicant is innocent and has been falsely implicated in the case. That he has not assaulted informant. FIR does not feature his name. He was not present at the spot of incident at the time of incident. Injured is discharged from the hospital. Sec.307 of IPC is not attracted to the crime. He will not tamper with prosecution evidence. He is ready to abide by all terms and conditions imposed by the court. On these main grounds and others have prayed for bail.

3. Notice was issued to State. State appeared through Ld. APP Mr. Kotwal and filed say resisting for grant of application on the grounds that accused assaulted informant and informant identified accused in Test identification parade. Investigation is going on. Charge-sheet is to be filed. If released on bail, the accused will pressurize informant and witnesses. The offence is serious in nature. There will be law and order problem. There is a possibility that he will commit same type of offence in future. The bail applications of co-accused are rejected by the court. On these main grounds and others have prayed for rejection of bail application.

4. Heard Ld. Advocate Mr.H.S.Jadhav for applicant. Perused bail application. Heard Ld. APP Mr.Kotwal. Perused police papers and say filed by Bhadrakali police station.

5. On perusal of F.I.R. as well as case papers, it is apparent that, on 11.7.2022, Nilesh Kokane [informant] was proceeding on his motorcycle from Shivsena Bhavan. Two motorcycles came from behind and one of them assaulted him with wooden log, other on his left leg. One of them sprinkled ink, assaulted him with fist and kick blows and threatened him for life.

6. The report of the police reveals that the informant identified the applicant. However, the injured Nilesh Kokane is discharged from the hospital. There are no criminal antecedents against present applicant. The bail application of co-accused namely Pankaj Sonawane was rejected as there were criminal antecedents against him. The Investigating officer on being inquired with, submitted that he is on verge of filing charge-sheet. Hence, on certain terms and conditions, discretion can be exercised in favour of the applicant. Hence, following order is passed :

### **ORDER**

- (1). Application is allowed.
- (2). The applicant Nohar @ Rohan Dipaksingh Sengar be released on bail in Cr.No.I-201/2022 of Bhadrakali P. S., for offences punishable under Sections 143, 144, 147, 148, 307, 341, 149 of I.P.C., on furnishing a PR and SB of Rs.25,000/- with one or more sureties of like amount on following conditions.

- (a). He shall attend Bhadrakali Police Station as and when called by Investigating officer till filing of the charge sheet,
  - (b). He should furnish two documents about his identity proof and two documents in respect of identity proof of his relatives.
  - (c). He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them from disclosing such facts to the Court or to any police officer.
  - (d). Violation of any of the above mentioned condition, would result in cancellation of bail.
- (3). Inform concerned police station accordingly.
  - (4). Bail before JMFC Court

Nashik.

( V. P. Desai)

Date : 17/10/2022

Additional Sessions Judge, Nashik.